



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 21 2010

REPLY TO THE ATTENTION OF:

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

David Moss  
Plant Manager  
PPG Industries Ohio, Inc.  
559 Pittsburgh Road  
Circleville, Ohio 44113

Re: Finding of Violation  
PPG Industries Ohio, Inc., Circleville, Ohio

Dear Mr. Moss:

This letter advises you that the U.S. Environmental Protection Agency (or we) has determined that PPG Industries Ohio, Inc.'s (PPG) hazardous waste incinerator at 559 Pittsburgh Road, Circleville, Ohio, has violated the Clean Air Act (CAA) and the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (hereinafter, the HWC MACT). We have provided a list of the requirements violated below. We are today issuing to you a Finding of Violation (FOV) for these violations.

Section 112(d) of the CAA requires the EPA Administrator to promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of hazardous air pollutants (HAPs) listed for regulation pursuant to Section 112(c) of this section. On July 16, 1992, EPA published an initial list of categories of major and area sources of HAPs. See 57 FR 31576. The list included, among other things, hazardous waste incineration. On September 30, 1999, EPA promulgated the HWC MACT to protect public health and the environment.<sup>1</sup>

Pursuant to 40 C.F.R. § 63.1219(a)(1)(i)(A), the owner or operator of a hazardous waste incinerator equipped with a waste heat boiler or dry APCS must not discharge or cause combustion gases to be emitted into the atmosphere that contain dioxins and furans in excess of 0.20 nanogram toxic equivalent 2,3,7,8-tetrachlorodibenzo-para-dioxin (2,3,7,8-TCDD) per dry standard cubic meter corrected to 7 percent oxygen.

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<sup>1</sup> EPA amended the HWC MACT on November 19, 1999, July 10, 2000, November 9, 2000, May 14, 2001, July 3, 2001, December 6, 2001, February 13, 2002, February 14, 2002, December 19, 2002, April 9, 2004, June 23, 2003, October 12, 2005, April 20, 2006, October 25, 2006, April 8, 2008, and October 28, 2008.

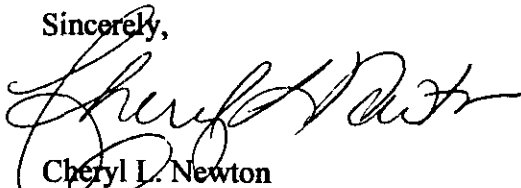
2,3,7,8-TCDD causes chloracne in humans, a severe acne-like condition. It is known to be a developmental toxicant in animals, causing skeletal deformities, kidney defects, and weakened immune responses in the offspring of animals exposed to 2,3,7,8-TCDD during pregnancy. Human studies have shown an association between 2,3,7,8-TCDD and soft-tissue sarcomas, lymphomas, and stomach carcinomas. EPA has classified 2,3,7,8-TCDD as a probable human carcinogen (Group B2).

EPA finds that the PPG facility has violated the above listed HWC MACT. Section 113 of the CAA gives EPA several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Charles Hall. You may call him at (312) 353-3443. If you wish to request a conference, you should do so within 10 days following receipt of this FOV. The parties should hold the conference within 30 days following receipt of this notice. EPA hopes that this FOV will encourage PPG's compliance with the requirements of the Clean Air Act.

Sincerely,



Cheryl L. Newton  
Director  
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Ohio Environmental Protection Agency

Adam Ward, Central District Office  
Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

IN THE MATTER OF:	) FINDING OF VIOLATION
	)
PPG Industries Ohio, Inc.	) EPA-5-10-OH-07
Circleville, Ohio	)
	)
Proceedings Pursuant to the Clean Air Act,	)
<u>42 U.S.C. §§ 7401 et seq.</u>	)

**FINDING OF VIOLATION**

PPG Industries Ohio, Inc. (you or PPG) owns and operates a hazardous waste incinerator at PPG's facility located at 559 Pittsburgh Road, Circleville, Ohio (hereinafter, the Facility).

EPA is sending this Finding of Violation (FOV) to you for violation of 40 C.F.R. § 63.1219(a)(1)(i)(A) set forth in the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (hereinafter, the HWC MACT) at the Facility between August 18 and September 17, 2009. The underlying statutory and regulatory requirements include provisions of the Clean Air Act (CAA) and the HWC MACT.

**Explanation of Violations**

The following describes the regulations PPG violated and how PPG violated them:

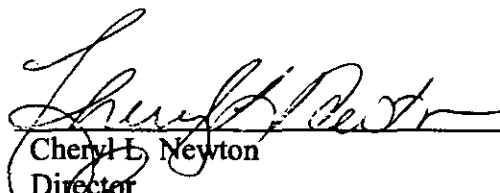
1. Pursuant to 40 C.F.R. § 63.1219(a)(1)(i)(A), the owner or operator of an existing hazardous waste incinerator equipped with a waste heat boiler or dry air pollution control system must not discharge or cause combustion gases to be emitted into the atmosphere that contain dioxins and furans in excess of 0.20 nanogram toxic equivalent 2,3,7,8-tetrachlorodibenzo-para-dioxin (2,3,7,8-TCDD) per dry standard cubic meter corrected to 7 percent oxygen (ng TEQ/dscm at 7% O<sub>2</sub>).
2. Pursuant to 40 C.F.R. § 63.1206(a)(1)(ii)(A), the owner or operator of an existing hazardous waste incinerator must comply with the emission standards under 40 C.F.R. § 63.1219 and the other requirements of this subpart no later than the compliance date, October 14, 2008, unless the Administrator grants you an extension of time under § 63.6(i) or § 63.1213.
3. Neither EPA nor the Ohio EPA granted to PPG an extension of time under 40 C.F.R. § 63.6(i) or § 63.1213.
4. Between August 17 and 21, 2009, PPG conducted a comprehensive performance test (CPT) on the hazardous waste incinerator at the Facility as required by 40 C.F.R. § 63.1207.

5. As part of the CPT, between August 18 and 20, 2009, Air Compliance Group, LLC (ACG), on behalf of PPG conducted a dioxin/furan performance test using EPA Publication SW-846 Method 0023A (Method 0023A). The average dioxin/furan emission concentration during the test was 2.01 ng TEQ/dscm at 7% O<sub>2</sub>.
6. PPG discontinued burning hazardous waste in its hazardous waste incinerator at the Facility between approximately September 18, 2009, and October 14, 2009.
7. On October 21, 22, and 23, 2009, ACG on behalf of PPG conducted three dioxin/furan performance tests using Method 0023A while PPG operated its hazardous waste incinerator at the Facility under three different operating conditions. On October 23, 2009, PPG repeated the operating conditions of the August 2009 test. The average dioxin/furan emission concentration was 0.0217 ng TEQ/dscm at 7% O<sub>2</sub>. On October 21, 2009, the average dioxin/furan emission concentration was 0.0111 ng TEQ/dscm at 7% O<sub>2</sub>. On October 22, 2009, the average dioxin/furan emission concentration was 0.00699 ng TEQ/dscm at 7% O<sub>2</sub>.
8. PPG violated 40 C.F.R. § 63.1219(a)(1)(i)(A) by discharging combustion gases into the atmosphere that exceeded 0.20 ng TEQ/dscm at 7% O<sub>2</sub> from its hazardous waste incinerator at the Facility between August 18, 2009, and September 17, 2009.

#### **Environmental Impact of Violations**

9. 2,3,7,8-TCDD causes chloracne in humans, a severe acne-like condition. It is known to be a developmental toxicant in animals, causing skeletal deformities, kidney defects, and weakened immune responses in the offspring of animals exposed to 2,3,7,8-TCDD during pregnancy. Human studies have shown an association between 2,3,7,8-TCDD and soft-tissue sarcomas, lymphomas, and stomach carcinomas. EPA has classified 2,3,7,8-TCDD as a probable human carcinogen (Group B2).

1/21/10  
Date

  
Cheryl L. Newton  
Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-10-OH-07, by Certified Mail, Return Receipt Requested, to:


David Moss  
Plant Manager  
PPG Industries Ohio, Inc. (Circleville)  
559 Pittsburgh Road  
Circleville, Ohio 44113

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
50 West Town Street, Suite 700  
Columbus, Ohio 43215

Adam Ward, Air Pollution Control Manager  
Central District Office  
Ohio Environmental Protection Agency  
50 West Town Street, Suite 700  
Columbus, Ohio 43215

on the 21 day of January, 2010.

  
Loretta Shaffer, Secretary  
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0192 0782